

REMARKS

Favorable reconsideration and allowance of this application based on the amendments above and the remarks which follow are requested.

At the outset, applicant notes with appreciation the Examiner's indication of allowability of pending method claims 21-26, 28 and 30-36, subject to resolution of certain informalities with respect to independent claim 21. As will be explained further below, all claims are now believed to be in condition for allowance. Accordingly Official Notice to that effect is solicited.

1. Discussion of Claim Amendments

By way of the amendment instructions above, independent claims 21 and 37 have been revised in an effort to clarify the claimed subject matter. Specifically, claim 21 has been amended in the manner noted by paragraph 6 of the Official Action (and as discussed with the Examiner during a telephone conference of October 21, 2009).

Claim 37 has been amended to clarify that the system defined thereby comprises means connected to the cleaning equipment for controllably operating the cleaning equipment during a cleaning cycle to cause the cleaning equipment to sequentially clean the differently located parts of the heat exchange surfaces so as to release respective particles sequentially from the respective differently located parts of the heat exchange surfaces cleaned by the cleaning equipment during the cleaning cycle. Support for the means being present so as to controllably operate the cleaning cycle can be found, for example, in Fig. 7 wherein means are depicted whereby "*[i]nformation of the fouling is created in an electronic memory...*" and such "*...information of the fouling is processed as a function of the heat exchange surface coordinates...*" Moreover, Fig. 7 makes it clear that the information processed as a function of the heat exchange surface coordinates is then employed by the means so that a "*a certain part*

ROSIN
Serial No. 10/549,280
January 19, 2010

of the heat exchange surface of the heat exchange system is cleaned with a cleaning equipment..." wherein "particles are released from the heat exchange surface." See also the description of the means depicted by Fig. 7 beginning on page 12, line 16 of the specification.

Following entry of this amendment, therefore, claims 21-41 will remain pending herein, of which claims 27 and 29 have been withdrawn from consideration as being directed to patentably distinct species.

2. Response to 35 USC §112 Rejection

The amendments made above with respect to claim 21 are believed to fully and completely address the rejection advanced against claims 21-26, 28 and 30-36 under 35 USC §112, second paragraph. Withdrawal of the same is therefore in order.

3. Request for Rejoinder of Non-Elected Species

Since withdrawn species claims 27 and 29 include all limitation of allowable generic claim 21, their rejoinder and allowance with claim 21 and all other claims dependent therefrom are requested.

4. Response to 35 USC §103(a) Rejection

The only issue remaining to be resolved in this application is the rejection of claims 37-41 under 35 USC §103(a) based on the previously applied Archer et al (USP 4,996,951) in view of Rigby (USP 5,591,895) and Perrone (USP 6,325,025). Applicant suggests that the rejection is inappropriate against the presently pending claims herein and thus should be withdrawn.

In response to the rejection under 35 USC §103(a), independent claims 37 has been amended so as to include the clarification that the system includes a "processor" for controllably operating the cleaning equipment during a cleaning cycle to cause the

ROSIN
Serial No. 10/549,280
January 19, 2010

cleaning equipment to sequentially clean the differently located parts of the heat exchange surfaces so as to release respective particles sequentially from the respective differently located parts of the heat exchange surfaces cleaned by the cleaning equipment during the cleaning cycle. As the Examiner acknowledges, the prior art does not disclose or suggest fairly:

“...performing a cleaning cycle on heat exchange surfaces by cleaning sequentially differently located parts of the heat exchange surfaces, measuring the amount and/or type of released particles entrained in an exhaust gas stream so as to create particle measurement data associated with each of the respective differently located parts and linking together and storing into an electronic memory location information of the respective differently located parts and the respective particle data measurement data created during the cleaning cycle....” (Official Action at page 7, line 12).

It follows *a priori* that means which controllably operates the cleaning equipment during a cleaning cycle to cause the cleaning equipment to sequentially clean the differently located parts of the heat exchange surfaces so as to release respective particles sequentially from the respective differently located parts of the heat exchange surfaces is neither disclosed nor suggested in the prior art references of record. As such, applicant suggests that the Examiner’s rejection under 35 USC §103(a) advanced against the system claims 37-41 has been rendered moot.

Withdrawal of the rejection advanced against claims 37-41 under 35 USC §103(a) is therefore in order.

ROSIN
Serial No. 10/549,280
January 19, 2010

5. Conclusion

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant believes that this application is in condition for allowance and a prompt reply to that effect is solicited.

In the event that any small matter is discovered to remain outstanding, the Examiner is encouraged to telephone the applicant's undersigned attorney so that the same may be resolved without the need for a further written action and reply.

6. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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